

IN THE DRAWINGS

Please amend Figure 5 as shown in red on the attached sheet.

REMARKS

In the Office Action, claims 1-9 and 11-18 were rejected under 35 U.S.C. 112. The Examiner pointed to the terms "non-occluding" and "parallel." Applicants disagree that these terms constitute new matter or are not supported by the disclosure. However, to expedite prosecution, these terms do not appear in the amended or new claims.

Claims 1-7, 9, 11-14, 16 and 18 were rejected under 35 U.S.C. 103 over Bosma et al. (U.S. Patent No. 6,443,972) in view of U.S. Patent No. 6,994,092 to Van der Burg et al. Claim 8 was rejected as obvious over Bosma in view of Van der Burg and further in view of U.S. Publication 2002/0058911 (Gilson).

Claims 1 and 12 have been canceled without prejudice or disclaimer. New independent claims 21 and 22 have been added with the dependency of claims 2-9, 11 and 13-17 amended accordingly. Independent claim 18 has been amended.

The Bosma patent, as the Examiner concedes, does not disclose the axially inward filtering sections of Applicants' invention. The axially inward sections direct particles to the center through both ends, regardless of the orientation/direction of implantation. Bosma's structure, where the filter is axially outward, would direct at one end particles away from the center. The Examiner combines Bosma with Van der Burg. This combination is untenable. The Examiner is contending that it would have been obvious to one of ordinary skill to modify Bosma to replace it with structure from an occluding device which not only performs a different function but has structure which would function opposite to its structure. The Examiner, other than the use of impermissible hindsight, could not combine a patent with structure to direct particles outward with structure to direct particles in the opposite direction. This is counter to Bosma's teachings.

Further, assuming solely for the sake of argument the patents were combined as the Examiner suggests, the recitation of the claims would still not be met.

With respect to independent claim 18, this claim recites inter alia that the proximalmost end point of the first tubular portion and the distalmost end point of the second tubular portion are closer to the center than end portions of the mounting section. The claim also recites a portion extending linearly and radially and axially inwardly to

respective filtering sections. Claim 21 recites that in a vessel placement position of the filter, a distalmost end of the distal tubular portion is radially inward and proximal of a distalmost end of the first mounting section and a proximalmost end of the proximal tubular portion is radially inward and distal of the proximalmost end of the second mounting section. The claim also recites a linear portion extending radially and axially inwardly and extending from a first curved portion at one end to a second curved portion at an opposing end, the linear portion having a length greater than a length of each of the first and second curved portions.

Claim 22 recites a vessel filter comprising inter alia radially inwardly extending struts having a linear portion extending from a first curved portion at a first end and transitioning to a second curved portion at a second end, wherein in the second configuration the proximalmost end point of the mounting section is proximal of the distalmost end point of the first tubular portion and the distalmost end point of the mounting section is distal of the proximalmost end point of the second tubular portion to direct particles along the linear portion of struts to the center of the filter and toward the central longitudinal axis in the path of greater blood flow through the filter.

The tubular portions of Van der Burg identified by the Examiner do not satisfy these recitations.

The claims as presented are directed to the Applicants' invention which advantageously directs particles to the center of the filter, with the two filter sections being positioned axially inwardly of the end points of the mounting section. Thus particles will be directed along the angled portions, which angle inwardly so the filtering portions are spaced axially inwardly from the mounting section end points. Further, the claims as presented recite that the sections that extend radially inwardly include a linear portion. This advantageously provides an elongated path of travel for the clots, enabling them to be moved toward the center. The Van der Burg patent fails to disclose such linear portion. As explained on page 10 of Applicants' specification, the greater the distance between V1 and V2 (see Figure 5), the greater the angle of the angled portion, and the more the particles will be directed to the center of the filter in the area of greater blood flow to better dissolve the particles.

The Van der Burg patent does not have such feature since it is an occlusion device, not a filter device. As pointed out previously, the Van der Burg patent is directed to a method of occluding a left atrial appendage.

The Van der Berg patent, being an occluder is designed to provide a barrier or wall. That is, a wall is formed in the curved sections defining a plane. In contrast, the filter of the present application has linear portions to direct and capture clot, more in a bowl like fashion as the particles travel along the linear path. Thus, Van de Berg does not teach or suggest this feature. Consequently, even if Bosma and Van der Burg were combined as the Examiner suggests, the recitations of claims 18, 21 and 22 would still not be met.

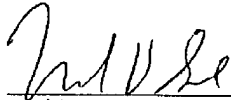
Claims 2-9 and 11 depend from claim 21 and claims 13-17 depend from claim 22 and are therefore believed patentable for at least the same reasons that claims 21 and 22 are believed patentable.

Note the application has been amended to label the distalmost and proximalmost end points and edges and the linear portion to facilitate understanding. Figure 5 has also been amended to label these parts. These changes are shown in red in the attached sheet. A Replacement Sheet of drawing incorporating the changes to Figure 5 is also enclosed. No new matter has been added.

Applicants respectfully submit that this application is now in condition for allowance. Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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By: 
Neil D. Gershon
Reg. No. 32,225
Attorney for Applicant

Neil D. Gershon
1011 High Ridge Road
Stamford, CT 06905
(203) 329-0289

